UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

                    Plaintiff,

        v.

RYAN CHRISTOPHER KANTOLA,

                    Defendant.

No. 1:19-CR-02015-SAB

ORDER RE: HOME

DETENTION

On July 31, 2019, the Court held a pretrial conference and heard argument on Defendant's Motion for Modification of Order Denying Release, ECF No. 38, and Defendant's Motion to Permit Overnight Travel, ECF No. 44. Jeff Dahlberg appeared on behalf of Defendant, who was present in the courtroom, and Meghan McCalla appeared on behalf of the Government. Defendant seeks modification of a condition of pretrial release, and for the Court to approve Mr. Kantola for overnight travel.

Defendant argues that Special Condition Number 9 is more restrictive than necessary to assure Defendant's appearance in court and the safety of the community, and asks the Court to replace that condition with a curfew.

To decide the proposed conditions of release, the Court considered and evaluated the four factors outlined in 18 U.S.C. § 3142(g):

1. The nature and circumstances of the offense;

2. The weight of the evidence against the Defendant;

ORDER RE: HOME DETENTION Ɡ 1

3. The history and characteristics of the Defendant; and

4. The nature and seriousness of the danger the Defendant would present to the community if released.

The history considered by this Court includes Defendant's recent history. He has been compliant with the terms of his pretrial release and appears to be making progress. The Court finds that while Special Condition 9 allows for preapproval of visits, its current wording might lead to confusion in application.

Special Condition 9 currently reads:

Defendant shall be restricted to his residence at all times except for: attorney visits; court appearances; case-related matters; court ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer, including but not limited to employment, religious services, medical necessities, substance abuse testing or treatment.

The list of activities which Mr. Kantola is allowed to seek probation's preapproval for is expressly not exhaustive, but the condition as worded might lead to confusion in application. Accordingly, the Court modifies the phrasing of Special Condition 9 to reads as follows:

Defendant shall be restricted to his residence at all times except for: attorney visits; court appearances; case-related matters; court-ordered obligations; employment; religious services; medical necessities; substance abuse testing or treatment; and family visitation and obligations. Additionally, Defendant may seek pre-approval by the pretrial services or supervising officer to attend other activities.

Additionally, the Court grants approval for Defendant's motion for overnight travel to attend the Oxford House overnight campout. The Court notes

//

the strides that Defendant is making to better himself and his community, and grants ECF No. 44.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Modification of Order Denying Release, ECF No. 38, is **DENIED.**

2. Special Condition No. 9 is modified to read as follows:

"9. Defendant shall be restricted to his residence at all times except for: attorney visits; court appearances; case-related matters; court-ordered obligations; employment; religious services; medical necessities; substance abuse testing or treatment; and family visitation and obligations. Additionally, Defendant may seek pre-approval by the pretrial services or supervising officer to attend other activities."

3. Defendant's Motion to Permit Overnight Travel, ECF No. 44, and associated Motion to Expedite, ECF No. 45, are **GRANTED.**

IT IS SO ORDERED. The District Court Executive is directed to file this Order and provide copies to counsel **AND TO** the United States Probation Office.

DATED this 2nd day of August, 2019.

Stanley A. Bastian
United States District Judge

ORDER RE: HOME DETENTION ֊ 3